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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,932	06/29/2001	Michael Wayne Brown	AUS920010354US1	9404

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EXAMINER

LIVERSEDGE, JENNIFER L

ART UNIT

PAPER NUMBER

3692

DATE MAILED: 12/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/895,932

**Applicant(s)**

BROWN ET AL.

**Examiner**

Jennifer Liversedge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4-10,12-18 and 20-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-10,12-18 and 20-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 09/898,932 filed on 9/21/2006.

The amendment contains original claims: 2, 7-9, 15-17, 20, 23-25, 27-28, 30-31 and 33-34.

The amendment contains amended claims: 1, 4-6, 10, 12-14, 18, 21-22, 26, 29 and 32.

Claims 3, 11, 19 and 35 have been canceled.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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Claims 1-2, 6-10, 14-18 and 22-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No. US 2002/0087380 A1 to Wang (further referred to as Wang), and further in view of "Service Wins Customer Loyalty" by Carol Meres Kroskey (further referred to as Kroskey).

Regarding claims 1, 10, 18, Wang discloses a method, system and program for coordinating a plurality of local and remote manufacturers for a manufacturing order (page 1, paragraphs 2-3), said method comprising the steps of:

Facilitating user selection of a customized manufacturing order for a product to be manufactured, after placement of said customized manufacturing order, by a particular local manufacturer selected by said user from among a plurality of local manufacturers (page 1, paragraph 13; page 2, paragraph 15; page 3, paragraph 45);

Dividing said customized manufacturing order for said user into a plurality of manufacturable parts (page 1, paragraphs 2-3);

Submitting a local bid request for said manufacturing order to said plurality of local manufacturers (page 1, paragraphs 2-3 and 13; page 3, paragraphs 39-42);

Receiving at least one local bid for said manufacturing order from at least one of said plurality of local manufacturers, wherein said at least one local bid specifies a selection of said plurality of manufacturable parts required for producing said customized order (page 1, paragraphs 2-3 and 13; page 3, paragraphs 39-42); and

Submitting a remote bid request to a plurality of remote manufacturers for said selection of said plurality of manufacturable parts as requested in said at least one local bids (page 1, paragraph 3).

Wang does not disclose wherein said plurality of local manufacturers locally distribute manufactured products to said user without shipping said manufactured products. However, Kroskey discloses wherein said plurality of local manufacturers locally distribute manufactured products to said user without shipping said manufactured products (page 1-5). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the making of customized products based on bidding as disclosed by Wang to adapt the option and choice for customers to pick up their products instead of having them shipped as disclosed by Kroskey. The motivation would be that customers may want to assume the responsibility for transporting their product, or they may want the product right away instead of waiting for shipping. Such practice is old and well known within prototype houses, for example. Prototype houses offer customers the ability to come in for design and drawing reviews, then for the customer to stop in periodically while the product is being made, and then to be on-sight when the product is complete and is going through quality checks. The customer can then take the products with them when they leave, eliminating the need to ship the parts. Such customized parts production in which suppliers bid on part production and in which the customer picks up the parts at completion is old and well known and used significantly within the automotive field for components, for example, among others.

Regarding claim 2, Wang discloses submitting said local bid request and said remote bid request from a broker server communicatively connected through a network to a plurality of manufacturer systems (page 1, paragraphs 2 and 12-13; page 2, paragraph 28-29; page 3, paragraph 30).

Regarding claims 6, 14 and 22, Wang does not specifically disclose the method further comprising:

- analyzing said personalized design for integrity; and
- in response to finding integrity flaws in said personalized design, providing said user with suggestions for adjusting said personalized design.

However, Wang discloses where subcontractors review the process and blueprints (page 1, paragraph 7). It would be obvious to one of ordinary skill in the art at the time of the invention that manufacturers and suppliers work together in reviewing a customized product as disclosed by Wang and would analyze a part for integrity and suggest modifications if flaws were found prior to actually making any parts. The motivation would be that members of a supply chain network would work closely together so that each member is party to a positive outcome with a quality and function customized part. Even in industry in which close alliances are not formed, meetings generally referred to as Design Reviews are conducted such that the manufacturer and the supplier can discuss the component to be made, review any potential issues in the design or manufacture thereof, and make adjustments as required. This is conducted prior to beginning any manufacture of the part such as a positive and trustworthy

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relationship is formed and components which are useable are created. Subcontractors would make such suggestions as part of the review and bid process in Wang in order that a part which can actually be made and which will meet the customer's need will be produced. If the customer requests an injection molded part and the engineering team believes a molded part will better meet the integrity requirements, that would be brought up as part of the design review bidding process, this is old and well known. Similarly, in Kroskey, any baker would discuss options with customers to ensure that a quality customized product could be made based on the specifications. If a customer were to request, for example, a tiered cake in which a 4 inch diameter sponge cake were to be placed on the bottom with a 12 inch diameter fruit cake placed on top, the baker would evaluate this for integrity and notify the customer that a 4 inch diameter sponge cake would not support a 12 inch diameter fruit cake and that instead the larger and heavier fruit cake should go on the bottom and the smaller and lighter sponge cake on top. This is an old and well known process in offering products.

Regarding claims 7-9, 15-17 and 23-25, Wang discloses compiling bids into selectable bid options for a user, receiving a selection from the user, transferring an order request, and completing a financial settlement (page 1, paragraphs 3, 7 and 13; page 3, paragraphs 39-45; page 4, paragraph 47).

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Regarding claims 26, 29 and 32, Wang discloses a method, system, and program for customizing bids for a personalized product (page 1, paragraphs 7 and 13; page 2, paragraph 15; page 3, paragraph 39-42), said method comprising the steps of:

Receiving a bid request for a personalized product at a local manufacturer, wherein said bid request comprises a plurality of manufacturable parts (page 1, paragraphs 2, 7 and 13; page 3, paragraph 39-42); and

Returning a bid offer for said personalized product specifying a selection of said plurality of manufacturable parts required to be provided by a remote manufacturer for said local manufacturer to manufacture said personalized product, such that said local manufacturer customizes said bid offer for said personalized product (page 1, paragraphs 2-3, 7 and 13; page 2, paragraph 15; page 3, paragraph 39-42).

Wang does not disclose wherein said local manufacturer locally distributes products without shipping said manufactured products. However, Kroskey discloses wherein said plurality of local manufacturers locally distribute manufactured products to said user without shipping said manufactured products (page 1-5). It would be obvious to one of ordinary skill in the art at the time of the invention to modify the making of customized products based on bidding as disclosed by Wang to adapt the option and choice for customers to pick up their products instead of having them shipped as disclosed by Kroskey. The motivation would be that customers may want to assume the responsibility for transporting their product, or they may want the product right away instead of waiting for shipping. Such practice is old and well known within prototype houses, for example. Prototype houses offer customers the ability to come in for design



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and drawing reviews, then for the customer to stop in periodically while the product is being made, and then to be on-sight when the product is complete and is going through quality checks. The customer can then take the products with them when they leave, eliminating the need to ship the parts. Such customized parts production in which suppliers bid on part production and in which the customer picks up the parts at completion is old and well known and used significantly within the automotive field for components, for example, among others.

Regarding claims 27-28, 30-31 and 33-34, Wang discloses receiving said bid request at a local manufacturer system communicatively connected to a network with a broker server comprising means for receiving requests from users (page 1, paragraphs 2 and 12-13; page 2, paragraph 28-29; page 3, paragraph 30); and requiring an option to select from among a plurality of bids for said selection of said plurality of manufacturable parts from a plurality of remote manufacturers (page 1, paragraphs 2-3 and 7; page 3, paragraphs 39-42).

Claims 4-5, 12-13 and 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang and Kroskey as applied to claim 1 above, and further in view of Patent No. 6,128,600 to Imamura et al. (further referred to as Imamura).

Regarding claims 4, 12 and 20, neither Wang nor Kroskey specifically disclose the method, system and program further comprising:

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In response to receiving a design request from a user, transmitting a plurality of available products to said user;

In response to receiving a product selection from among said plurality of available products, transmitting a plurality of available attributes to said user;

In response to receiving an attribute selection from among said plurality of available attributes, transmitting a plurality of available variables to said user; and

In response to receiving a variable selection from among said plurality of available variables, rendering a graphical representation of said customized manufacturing order according to said product selection, said attribute selection and said variable selection.

However, Imamura discloses the method further comprising:

In response to receiving a design request from a user, transmitting a plurality of available products to said user (column 2, lines 33-50; column 3, line 66 – column 4, line 15);

In response to receiving a product selection from among said plurality of available products, transmitting a plurality of available attributes to said user (column 7, lines 24-50; column 8, lines 1-21 and lines 54-67; column 10, line 1 – column 11, line 10);

In response to receiving an attribute selection from among said plurality of available attributes, transmitting a plurality of available variables to said user (column 7, lines 24-50; column 8, lines 1-21 and lines 54-67; column 9, lines 19-23 and lines 54-59; column 10, line 1 – column 11, line 10); and

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In response to receiving a variable selection from among said plurality of available variables, rendering a graphical representation of said personalized product according to said product selection, said attribute selection and said variable selection (column 6, lines 6-9; column 8, lines 54-67; column 11, lines 25-39).

It would be obvious to one of ordinary skill in the art to combine the defining of user preferences through selections as disclosed by Imamura with the procurement system for customized products as disclosed by Wang and Kroskey. The motivation would be that when users are to be offered choices on design for an item, that a method for presenting and recording such selections is required for proper and accurate manufacture of the product based on those selections.

Regarding claims 5, 13 and 21, neither Wang nor Kroskey specifically disclose the method, system and program further comprising calculating a cost estimate for said customized manufacturing order according to said product selection, said attribute selection and said variable selection. However, Imamura discloses the method further comprising calculating a cost estimate for said customized manufacturing order according to said product selection, said attribute selection and said variable selection (column 8, lines 54-67). It would be obvious to one of ordinary skill in the art to combine providing prices on the customized manufacturing order as disclosed by Imamura with the procurement system as disclosed by Wang and Kroskey. The motivation would be to enable to user to know the amount that the item to be procured is going to cost, in

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case the personalization results in a cost which is more or less than the amount budgeted for the item.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-2, 4-10, 12-18 and 20-34 have been considered but are moot in view of the new ground(s) of rejection.

However, Examiner comments in regards to applicant's comment that Seaman (US Pub. No. US 2002/0091536) does not qualify as prior art under a 103 rejection, and Seaman is not cited in the current Office Action.

Examiner further comments on Applicant's argument that the prior art applied in the first Office Action does not address where a manufacturer locally distributes manufactured products without shipping the manufactured products.

First, Examiner comments that in general, providing shipping for a product is a service offered for the convenience for customers. If manufacturers required customers to come pick up parts, this practice would be inconvenient in a number of circumstances. However, there are circumstances in which manufacturers do not ship parts and rather in which the customer picks up the product. For example, customers go to a jewelry store to pick up custom ordered and made jewelry, customers go to bakeries to pick up custom ordered and made cakes/cookies, customers go to prototype houses to pick up custom ordered parts, etc. It is old and well known to go to a manufacturer/producer to pick up standard or customized parts.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. "What's Next at SPM Dynacast?" by Doug Smock discloses custom parts being made for OEMs. It is old and well known that OEMs subcontract each of the component parts to different suppliers, and further that those subcontractors further subcontract out subcomponents of the component they were contracted to supply. For example, an automotive OEM such as GM will subcontract the seats, airbags, trim, etc. A seat contractor will then, for example, subcontract out the fabric, various bracketry, and foam. The bracketry supplier or suppliers will then subcontract the metal, and further subcontract post-processing plating of the metal, etc.

Similarly with a cake maker, the cake maker will need to have components of the cake prepared, such as a tray on which the cake will sit, any decorations to go on the cake, any special ingredients to be used in the cake (low sugar, wheat free, etc.). The cake maker will subcontract these components and then assemble them together into a finished product which a customer can then come and pick up.

The concept of subcontractors, bids for contracts, customized manufactured parts and picking up parts when complete are all old and well known concepts to one of ordinary skill in the art.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday – Friday, 8:30 – 5 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached at 571-272-6777. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer Liversedge

Examiner

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RICHARD E. CHILCOT, JR.  
SUPERVISORY PATENT EXAMINER